

United States District Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

MAY 27 2014

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

OMAR FIDENCIO ROJAS

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§

Criminal No. M-13-1154-S5

**SUPERSEDING INDICTMENT**

**THE GRAND JURY CHARGES:**

**Count One**

From on or about January 1, 2008 and continuing up to and including the date of the return of the indictment, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

**OMAR FIDENCIO ROJAS**

did knowingly and intentionally conspire and agree together and with other person or persons known and unknown to the Grand Jurors, to knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 1,000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

**Count Two**

On or about July 15, 2010, in the Southern District of Texas, and within the jurisdiction of the Court, defendant,

**OMAR FIDENCIO ROJAS**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 100 kilograms or more, that is, approximately 922 kilograms

of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

**Count Three**

On or about November 7, 2010, in the Southern District of Texas, and within the jurisdiction of the Court, defendant,

**OMAR FIDENCIO ROJAS**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 100 kilograms or more, that is, approximately 928 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

**Count Four**

On or about March 5, 2011, in the Southern District of Texas, and within the jurisdiction of the Court, defendant,

**OMAR FIDENCIO ROJAS**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 1,000 kilograms or more, that is, approximately 1,093 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

**Count Five**

From on or about January 1, 2008 and continuing up to and including the date of the return of the indictment, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

**OMAR FIDENCIO ROJAS**

did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with others known and unknown to the grand jury, to knowingly conduct and attempt to conduct a financial transaction that affected interstate and foreign commerce which involved the proceeds of a specified unlawful activity, that is, the distribution of controlled substances which is punishable under Title 21 of the United States Code, and that while conducting or attempting to conduct said transaction the defendant knew that the property or currency involved represented the proceeds of some form of unlawful activity and that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the specified unlawful activity.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and (h).

**Count Six**

From on or October 27, 2010 to on or about October 30, 2010, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant

**OMAR FIDENCIO ROJAS**

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, by providing Quality Auto Sales located near Guntersville, Alabama, approximately \$13,000 in United States currency for the purchase of a 2005 Ford F250

pick-up, such property having been derived from a specified unlawful activity, to wit, the distribution of controlled substances, in violation of Title 21, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

**Count Seven**

From on or October 17, 2011 to on or about October 18, 2011, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant

**OMAR FIDENCIO ROJAS**

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, by providing Cano Motors, located at 1649 E. Expressway 83, Mercedes, Texas, approximately \$31,000 in United States currency for the purchase of a 2007 Cadillac Escalade, such property having been derived from a specified unlawful activity, to wit, the distribution of controlled substances, in violation of Title 21, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

**Count Eight**

On or about December 6, 2011, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant

**OMAR FIDENCIO ROJAS**

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, by providing Cano Motors, located at 1649 E. Expressway 83, Mercedes, Texas, approximately \$27,000 worth of vehicles, specifically a 2007 Cadillac Escalade, which was used as a trade-in allowance towards the purchase of a 2011 Ford F250

pick-up, such property having been derived from a specified unlawful activity, to wit, the distribution of controlled substances, in violation of Title 21, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

**Count Nine**

On or about April 2, 2012, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant

**OMAR FIDENCIO ROJAS**

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, by providing Cano Motors, located at 1649 E. Expressway 83, Mercedes, Texas, approximately \$30,000 in United States currency for the purchase of a 2007 Land Rover - Range Rover, such property having been derived from a specified unlawful activity, to wit, the distribution of controlled substances, in violation of Title 21, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

**Count Ten**

On or about July 3, 2013, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant

**OMAR FIDENCIO ROJAS**

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, by providing Tipton Motors, Inc., located at 3840 N. Expressway 77, Brownsville, Texas, approximately \$9,000 in United States currency and approximately \$32,000 worth of vehicles, specifically a 2011 Ford F250 pick-up, which was

used to purchase a 2013 Ford F250 pick-up, such property having been derived from a specified unlawful activity, to wit, the distribution of controlled substances, in violation of Title 21, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

**Count Eleven**

From on or about September 26, 2012 and continuing up to and including the date of the return of the indictment, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

**OMAR FIDENCIO ROJAS**

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, by providing Edwards Abstract and Title Company, located in Weslaco, Texas, \$51,430 in cashier's checks obtained at Security First Credit Union and by providing approximately \$30,000 in United States currency to Maria Aguirre, which was used to purchase five (5) acres of real property near Weslaco, Texas from Maria Aguirre, such property having been derived from a specified unlawful activity, to wit, the distribution of controlled substances, in violation of Title 21, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

**Count Twelve**

On or about December 14, 2012, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant

**OMAR FIDENCIO ROJAS**

did knowingly engage and attempt to engage in a monetary transaction by through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a

value greater than \$10,000.00, that is, by providing Deutsch & Deutsch, a dealer in precious metals, stones, and jewels, located at 2200 S. 10<sup>th</sup> Street, McAllen, Texas, \$11,258 in United States currency for the purchase of a Rolex watch, such property having been derived from a specified unlawful activity, to wit, the distribution of controlled substances, in violation of Title 21, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

**NOTICE OF FORFEITURE**

As a result of the foregoing violations of Title 21, United States Code, defendant,

**OMAR FIDENCIO ROJAS**

shall, pursuant to Title 21, United States Code, Section 853(a), forfeit to the United States all property constituting or derived from any proceeds obtained either directly or indirectly from said violations as well as all property used or intended to be used in any manner to commit or facilitate the commission of said violations.

If any property subject to forfeiture by Title 21, United States Code, Section 853(a), as a result of any act or omission of any defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to a third person or entity;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

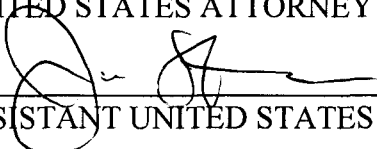
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek the forfeiture of any and all other property of said defendants as substitute assets for the property whose forfeiture has been impeded for reasons (1), (2), (3), (4), or (5) described above.

A TRUE BILL

FOREPERSON

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KENNETH MAGIDSON  
UNITED STATES ATTORNEY



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ASSISTANT UNITED STATES ATTORNEY